

ASSEMBLY BILL

No. 630

Introduced by Assembly Member Salas

February 25, 2009

An act to add Section 1714.23 to the Civil Code, relating to liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 630, as introduced, Salas. Immunity: dentistry volunteers.

Existing law affords immunity to a health care provider from liability for professional negligence or malpractice for an occurrence or result solely on the basis that the occurrence or result was caused by the natural course of a disease or condition or was the natural or expected result of reasonable treatment rendered for the disease or condition.

This bill would extend similar immunity to retired dental professionals who in good faith provide dental care on a volunteer basis to persons who are members of dentally underserved populations, as defined, or who live in dentally underserved areas, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1714.23 is added to the Civil Code, to
- 2 read:
- 3 1714.23. (a) No person licensed pursuant to Chapter 4
- 4 (commencing with Section 1600) of Division 2 of the Business
- 5 and Professions Code, who is retired from the active practice of
- 6 dentistry other than as described in this section retired, who in
- 7 good faith provides dental care on a volunteer basis to persons

1 who are members of a dentally underserved population or in a
2 dentally underserved area, shall be liable for professional
3 negligence or malpractice for any occurrence or result solely on
4 the basis that the occurrence or result was caused by the natural
5 course of a dental disease or condition, or was the natural or
6 expected result of reasonable treatment rendered for a dental
7 disease or condition. This section shall not be construed so as to
8 limit liability for the failure to inform of the risks of treatment or
9 failure to accept treatment, or for negligent diagnosis or treatment
10 or the negligent failure to diagnose or treat a dental disease or
11 condition.

12 (b) As used in this section:

13 (1) “Dentally underserved area” means a geographic area eligible
14 to be designated as having a shortage of dental professionals
15 pursuant to Part I of Appendix B to Part 5 of Title 42 of the Code
16 of Federal Regulations or an area of the state where unmet priority
17 needs for dentists exist as determined by the California Healthcare
18 Workforce Policy Commission pursuant to Section 128224 of the
19 Health and Safety Code.

20 (2) “Dentally underserved population” means persons without
21 dental insurance and persons eligible for the Denti-Cal and Healthy
22 Families Programs who are members of population groups
23 described as having a shortage of dental care professionals in Part
24 II of Appendix B to Part 5 of Title 42 of the Code of Federal
25 Regulations.